

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BRUCE J. WALZ and  
RENATTA T. WALZ,

Plaintiffs,

vs.

DOROTHY L. CALDWELL,

Defendant.

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Cause No.: 4:08-CV-00807

**JURY TRIAL DEMANDED**

**DOROTHY L. CALDWELL'S  
ANSWER TO PLAINTIFFS' PETITION**

COMES NOW, Defendant Dorothy Caldwell, by and through undersigned counsel, and for her Answer to Plaintiffs' Petition, states as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of Paragraph 1 and, therefore, denies the same.

2. Admit.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of Paragraph 3 and, therefore, denies the same.

4. Defendant admits that on or about February 6, 2006, Defendant was working at Plaintiffs residence as a part-time housekeeper.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of Paragraph 5 and, therefore, denies the same.

6. Denied.

7. Denied.

8. Denied.

**AFFIRMATIVE DEFENSES**

A. For further Answer and for its First Affirmative Defense, Defendant states Plaintiffs' Petition fails to state a claim upon which relief may be granted.

B. For further Answer and for its Second Affirmative Defense, Defendant states that Plaintiff is not the real party in interest.

C. For further Answer and for its Third Affirmative Defense, Defendant states that any damage caused to Plaintiffs was caused by third persons over which this Defendant has or had no control.

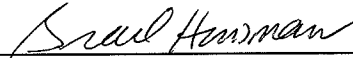
D. For further Answer and for its Fourth Affirmative Defense, Defendant states that Plaintiffs have failed to mitigate their damages.

E. For further Answer and for its Fifth Affirmative Defense, Defense states that whatever injuries or damages were allegedly sustained by Plaintiffs were caused by their own carelessness, negligence and/or fault and that such negligence, carelessness, and/or fault directly caused or directly contributed to cause any injuries or damages Plaintiffs allegedly sustained. Accordingly, the fault of the party should be compared.

**WHEREFORE**, having fully answered Plaintiffs' Petition, Defendant hereby requests the Court dismiss Plaintiffs' Petition with prejudice and award Defendant her costs incurred herein, along with any such other and further relief this Court deems just and proper under the circumstances.

Respectfully submitted,

**BROWN & JAMES, P.C.**



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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid this 4<sup>th</sup> day of June, 2008, to: Thomas J. Magee, Justin A. Hardin, Moser & Marsalek, P.C., 200 North Broadway, Suite 700, St. Louis, MO 63102, *attorney for Plaintiffs*.



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